

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

DOMENICO DE SOLE, AND ELEANOR DE
SOLE, individually and as assignee of LAURA
DE SOLE,

Plaintiffs,

- against -

KNOEDLER GALLERY, LLC d/b/a
KNOEDLER & COMPANY, ANN
FREEDMAN, GLAFIRA ROSALES, MICHAEL
HAMMER, and JAIME ANDRADE, and 8-31
HOLDINGS, INC.

Defendants.

USDC SDNY
DOCUMENT
ELECTRONICALLY FILED
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DATE FILED: January 31, 2016

ORDER

12 Civ. 2313 (PGG)

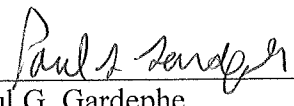
PAUL G. GARDEPHE, U.S.D.J.:

Defendants' motion in limine to exclude the testimony of Victoria Sears Goldman (Dkt. No. 287) is granted in part and denied in part. Goldman will be permitted to testify regarding whether the David Herbert Papers at the Archives of American Art and at the Harvard Art Museums Archives contain evidence that David Herbert played a role in the sale or purchase of the Rosales Paintings. Goldman will not be permitted to testify that there is "no basis for Knoedler's and Ann Freedman's decision to put forth the Herbert provenance as fact, given the lack of factual evidence," nor will she be permitted to testify that there is "no documentary evidence" linking Herbert to the Rosales Paintings. (Goldman Rpt. (Dkt. No. 290-2) at ECF 5-6) The reasons for this determination will be explained in a bench ruling that the Court will issue at the beginning of the court day on February 1, 2016.

The Clerk of the Court will terminate the motion (Dkt. No. 287).

Dated: New York, New York
January 31, 2016

SO ORDERED.



Paul G. Gardephe
United States District Judge